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Chairman: Mr. Tomka ..... (Slovakia)

Contents

Agenda item 151: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (continued)

Agenda item 146: United Nations Decade of International Law

(a) United Nations Decade of International Law

(b) Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law

(c) Draft guiding principles for international negotiations

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The meeting was called to order at 3.05 p.m.

Agenda item 151: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (continued) (A/52/33, A/52/308 and A/52/317)

1. Mr. Kak Soo Shin (Republic of Korea) said that, while United Nations reform was well under way in other forums, the Special Committee still had an important contribution to make to the reform of legal issues pertaining to the Sixth Committee. It would, however, be worth coordinating closely with other working groups involved in the reform of the Organization, so as to avoid any potential overlap and to maximize efficiency.

2. The Committee should give high priority to improving the existing mechanism of consultation with the Security Council concerning assistance to third States adversely affected by sanctions under Article 50 of the Charter. Building on the basic framework provided by General Assembly resolution 51/242, the Committee should begin by identifying and preparing an inventory of specific points, giving particular attention to the existing organizational framework within the United Nations system. Several primary needs should be met: to devise effective and coherent arrangements for information and assessment of the impact of sanctions on third States; to ensure appropriate access by third States to the process; to develop a method of assessing actual adverse impact; to explore practical and innovative measures of assistance; and to enhance coordination and cooperation among relevant institutions and organizations both within and outside the United Nations system. It was a daunting task, so expertise should be sought from various fields. He therefore supported the Secretary-General's proposal that an ad hoc expert group meeting should be convened under the auspices of the Department of Economic and Social Affairs.

3. There was a pressing need to adopt a practical approach towards alleviating the economic hardship of third States. The various aspects of the issue should be addressed in an integrated manner, pooling experience from both within and outside the United Nations. His country attached great importance to the assistance provided to neighbouring and other third States by the relevant international and regional organizations, which could mobilize vast financial, economic and other resources for the purpose. The issue should also be dealt with in a manner that did not undermine the effectiveness of the sanctions regime itself. In the post-cold war era, sanctions were gaining importance in deterring threats to or breaches of international peace and security. While they were necessary as a last resort, however, efforts must be made to minimize their adverse impact on third States.

4. The proposal by the Russian Federation on the draft declaration on the basic principles and criteria for the work of United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts (A/52/33, para. 58) deserved the Special Committee's further consideration, with the focus on the legal implications in order to avoid duplicating the work of other organs. As an active contributor to United Nations peacekeeping operations, his country believed that the elaboration of the legal issues would make peacekeeping operations more predictable and efficient. Given the diversity in the scope, nature and mandate of peacekeeping initiatives, however, guidelines should be produced to allow for the degree of political flexibility necessary to adapt them to varying circumstances.

5. As to the revised working paper submitted by the Russian Federation, entitled "Some ideas on the basic conditions and criteria for imposing and implementing sanctions and other enforcement measures" (A/52/33, para. 29), his country believed, without taking any position on the substance, that the time was not right to take the issue up. The Sub-group of the Informal Open-ended Working Group on an Agenda for Peace had, after all, just dealt with the same topic, albeit from a slightly different perspective.

6. With regard to the revised working paper submitted by Cuba, entitled "Strengthening of the role of the Organization and enhancing its effectiveness" (A/52/33, para. 59), his delegation believed that some of the issues identified deserved careful consideration from a long-term perspective by the Special Committee, but its role would be rather limited, compared with the contributions by the other working groups on reform.

7. His delegation welcomed the improvements in the revised proposal submitted by Sierra Leone, entitled "Establishment of a Dispute Prevention and Early Settlement Service" (A/52/33, para. 75). Although the feasibility of operating the envisaged mechanism was open to question, the attempt to develop a preventive action mechanism was worth further discussion. He hoped that the proposal would be further revised to address the problems raised during discussions at the previous session.

8. With regard to the proposals contained in the working papers submitted by Guatemala and Costa Rica, concerning possible amendments to the Statute of the International Court of Justice to extend its competence with respect to contentious matters to disputes between States and international organizations (A/52/33, paras. 101 and 115), his country remained open to further discussion, despite the prevailing

risk of instigating confrontation between international organizations and member States. If appropriate measures could be devised to prevent such confrontation, the proposals should contribute to the expansion of the role of the International Court and to the incorporation of various international organizations — newly emerging as important players in the international arena — into the system of judicial settlement.

9. His Government supported the abolition of the Trusteeship Council, within the overall framework of United Nations reform. Given the diversity of the heritage of mankind, the role of coordinator should not be left to the Trusteeship Council. Coordination, if necessary, could be entrusted to the General Assembly.

10. Lastly, he expressed support for the Portuguese proposal that the number of Vice-Chairmen in the Main Committees should be increased (A/52/33, para. 133); he hoped to see the reform brought in by 1998. His delegation also supported the recommendation, based on the Mexican proposal, that comments should be invited from States and the International Court of Justice on the consequences of the Court's increasing workload (A/52/33, para. 125).

11. Mr. Pham Truong Giang (Viet Nam) expressed appreciation at the achievements attained by the Committee during the course of the year, in accordance with the mandate laid down in General Assembly resolution 51/209, which included the issue of assistance to third States affected by the application of sanctions. Justice involved finding a balance between rights and obligations. Where sanctions were necessary, it was equally essential that the innocent should receive compensation for the unjustified and adverse consequences of sanctions from which they suffered. Sanctions should be imposed only as a last resort, with legally set constraints and in full conformity with the relevant criteria in international law. They should in no way be considered a means to solve conflicts or be applied as a punitive measure. They should not be imposed unless all peaceful means of settling a given dispute had been exhausted. When they were authorized by the Security Council, there should always be a financial arrangement mandated by the Council to assist third States affected by such sanctions. His delegation strongly supported continued consideration of an appropriate organizational framework for addressing further the implementation of the provisions of the Charter in that regard.

12. The proposals by the Russian Federation on a draft declaration on the basic principles and criteria for the work of United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts, and the proposal by Sierra Leone on the establishment of a dispute prevention and early settlement service, merited serious consideration; but more study was needed with regard to the definition, scope, mandate and functions of the proposals. The best way to prevent disputes was simply to observe the principles and standards of international law and practice, particularly the provisions of the Charter. The role of regional organizations was of great importance and needed to be duly considered.

13. It was his country's firm belief that the Special Committee should play a more active role in the ongoing process of reform. With its unique nature, its special mandate and its open-ended composition it could contribute greatly to the process of restructuring the Organization, giving an enhanced role to the General Assembly as the most representative body and increasing the representativeness of the Security Council by expanding the participation of developing countries, in conformity with the principle of sovereign equality as well as equitable geographical representation. The Chairman of the Special Committee should maintain close contact with the chairmen of other United Nations bodies dealing with the reform.

14. Viet Nam had given serious consideration to the proposals on ways and means of strengthening the International Court of Justice and was ready to cooperate with other members of the Committee on the issue. It also believed that the item "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" should be included in the provisional agenda of the Assembly's fifty-third session.

15. Mr. Lavalle Valdes (Guatemala) said that the question of amending the Statute of the International Court of Justice to extend its competence with respect to contentious matters to disputes between States and international organizations had first arisen within the United Nations in 1971, when the Secretary-General had sought the views of Member States in the matter. Sixteen States, including Guatemala, had expressed support for the proposal that intergovernmental organizations should be authorized to bring disputes before the Court in specific cases. Among the arguments in support of such an amendment was the growing number and increasingly important role of intergovernmental organizations within the international community. Furthermore, a dispute between a State and an intergovernmental organization was also, in essence, a dispute between States, and thus did not differ fundamentally from the type of dispute over which the Court normally exercised jurisdiction. The law that would be applied in such a case was public international law; thus, adoption of the proposed amendment would not mean entrusting the Court with functions falling outside its normal competence.

16. Another advantage of the proposed amendment was that it would normalize the role which the Court already played in settling disputes between States and intergovernmental organizations by means of binding advisory opinions. Such a method, which was not entirely satisfactory, would be replaced by the system which Guatemala had proposed.

17. The proposal had been criticized on the ground that the Court had an extremely heavy workload. Such an objection was, in his view, remarkably short-sighted. Each of the eight cases currently pending before the Court would be settled within a few years, and no one could predict what its workload would be in 3, 4 or 20 years' time.

18. He expressed appreciation to the Costa Rican delegation for submitting an alternative drafting which covered the same subject-matter as his delegation's proposal. Since any amendment to the Statute of the Court must be considered carefully by experts, the Court itself should be requested to express an opinion in the matter. The Guatemalan proposal should be viewed as only a preliminary draft. What was needed was to elicit a broad political will regarding the need for such an amendment. For the time being, such a will did not exist; it was to be hoped, however, that it would emerge eventually as a result of the debate generated by the two proposals.

19. Mr. Mukongo (Democratic Republic of the Congo) welcomed the proposal to merge the Repertory of Practice of United Nations Organs and the Repertoire of Practice of the Security Council in the interests of simplifying publication and avoiding duplication. He understood the reasons for setting up a mechanism to help third States to solve their problems, but was sure that such a mechanism would not be capable of dealing with all the practical problems and complexities involved in the imposition of sanctions. There would always be a category of sanctions that created intractable problems for third States. In the case of sanctions affecting third States in ways that could not be objectively quantified, the strengthening of the role of the Organization was itself jeopardized. His delegation therefore proposed that when the implementation of the mechanism to help third States proved ineffective, and experts had stated that it was impossible to evaluate the exact cost of the damage caused, or noted the lack of objective factors that would allow it to be determined, the damage suffered should be evaluated ex aequo et bono. Those ideas could serve as a starting point for those responsible for rectifying the inadequacies of Article 50 of the Charter, under which a third State confronted with problems arising from the application of sanctions had the right to consult the Security Council "with regard to a solution of those problems". The Article was ineffective because it specified neither the problems nor the solution to them. That difficulty could be overcome by deleting the above-cited phrase, and replacing it with the following wording:

> "In this case, the Security Council, while ensuring the due application of the sanction to the recalcitrant State, shall call upon its own experts and those of the State harmed by the application of sanctions to collaborate either in the implementation of the same mechanism for helping third States to solve their problems or in evaluating the extent of harm suffered in order to propose the level of compensation."

His delegation believed that Article 50 tacitly provided third States affected by sanctions with, over and above the right to consult with the Security Council, the right to claim compensation. In conclusion, he encouraged the Special Committee to continue its important work of contributing to the maintenance of international peace and security and the peaceful settlement of disputes.

20. Mr. Ghafoor (Pakistan) said that his delegation fully supported the endeavours of the world community to maintain peace and security, including action taken pursuant to Chapter VII of the Charter. However, the highest priority should be given to finding solutions to the problems facing third States as a result of such action, which had unforeseen effects on most of the developing countries, including his own. He favoured the establishment of a fund to compensate third States suffering adverse economic effects as a result of the implementation of sanctions. If they were not compensated, their commitment to abide by decisions of the Security Council might be lessened, as they would know that they could expect no formal assistance to mitigate any hardships they might suffer. The matter should be dealt with by a working group of the Sixth Committee.

21. With regard to the Russian proposals, his delegation supported the view of the Movement of Non-Aligned Countries that the Security Council should not frequently resort to sanctions without first exhausting all other means of settling the dispute. Referring to peacekeeping operations, he said there should be no duplication in the work of United Nations committees. More time was needed to consider the legal implications of the Guatemalan proposal. With regard to the Mexican proposal, he would like to see the inadequacies of, and difficulties faced by, the International Court of Justice identified. He fully supported the proposal by Portugal, which would ensure that all regional groups were represented among the officers of the Main Committees. The Trusteeship Council should not be hastily destroyed, but given a fresh mandate. Moreover, it could not be said that its work was over; there were still people struggling for the right to

self-determination, and the Trusteeship Council could play an important role in upholding that right.

22. Mr. Obeid (Syrian Arab Republic) said that, in the current climate of reform, all Member States should participated in strengthening the role of the United Nations in the maintenance of international peace and security by reaffirming the rights to development and to the peaceful settlement of disputes. The reform should take into account the disappearance of the major post-war power blocks, and should fully recognize the importance of the role of developing countries, stressing the right of all peoples to be fairly represented in the various bodies of the United Nations. The Ministers for Foreign Affairs of the countries members of the Non-Aligned Movement had agreed at their meeting in July 1997 that reform should be based on the inviolate nature of the principles of the United Nations and the universal nature of the Organization. Reform should equip the Organization to meet the new challenge of ensuring peace and security in the context of development for all. The Charter of the United Nations was a focal point for reform, and the Special Committee was the appropriate forum for discussion relating to it.

23. It had clearly emerged from the Committee's discussions on the implementation of the Charter provisions relating to assistance to third States affected by sanctions that sanctions were being used more and more frequently, whereas they should be a last resort, to be used only in cases of flagrant violations of the Charter and international law. They needed to be applied impartially, on the basis of specific criteria and a clear timetable, and only when there was a real threat to international peace and security. The possibility of adopting "smart" sanctions, which would not affect innocent civilians or cause undue suffering, had been discussed. In annex II to its most recent resolution on the question (51/242), the General Assembly had called for the utmost caution to be exercised when resorting to sanctions. Both the short- and long-term effects had to be taken into consideration. The aim of sanctions should be to modify the behaviour of States, not to punish them. Steps that would lead to the lifting of the sanctions should be specified. The Secretary-General had responded, in document A/52/308, to calls from various international bodies to develop an appropriate, standardized methodology to deal with the effects of sanctions on third States. A comprehensive study was certainly needed. The provisions of the Charter should not be interpreted restrictively. He drew attention, in particular, to Article 31, whereby any Member State could participate, without a vote, in the discussion of any question brought before the Security Council, when the Member's interests were especially affected. The Secretary-General had provided examples of the implementation of that Article in document A/50/361.

24. With regard to the Russian proposals, he noted that the intended goal of sanctions was being achieved less often than in the past. He considered that to be due to the adverse effects of sanctions on civilians and whole economies, as well as to the damage caused to third States. There was a legal dimension to the problem which also needed to be addressed. He joined with the Ministers of the Non-Aligned Movement in expressing profound concern at the effects of sanctions, and called for stricter criteria for their implementation. Article 50 of the Charter should be invoked, and a fund set up to assist third States affected by sanctions.

25. He was in favour of the Cuban proposal, which was consistent with the reform and democratization process currently taking place in the United Nations, and which encouraged greater transparency and effectiveness. He also supported the proposal by Portugal to amend rule 103 of the rules of procedure of the General Assembly. As to the Trusteeship Council, any change in its status would require major amendments to the Charter. In any case, it should be retained, as it was no great burden and its work was not over; territories were still occupied and people were still fighting for liberation in various parts of the world. More clarification was needed on the Mexican and Guatemalan proposals concerning the International Court of Justice. With regard to the proposal by Sierra Leone on the mechanisms for the settlement of disputes, he agreed that an independent body was needed, but more discussion was needed to weigh up possible dangers.

26. Mr. Fulci (Italy) said that he concurred fully with the views expressed by the representative of the Netherlands on behalf of the European Union and had only a few additional comments to make. First, he continued to attach special importance to the achievement of adequate solutions to the problems confronting States indirectly affected by the implementation of sanctions. Secondly, he strongly supported the Portuguese proposal for an increase in the number of Vice-Chairmen of each Main Committee from two to three.

27. With regard to the maintenance of international peace and security, he was of the view that the revised working paper submitted by Cuba, entitled "Strengthening of the role of the Organization and enhancing its effectiveness" (A/52/33, chap. III), constituted a duplication of the work undertaken in other United Nations forums. To separate legal issues from political issues in the highly sensitive areas considered in the document would be extremely difficult and might not be conducive to the achievement of consensus.

28. While the proposals submitted by the Russian Federation on basic conditions and criteria for imposing and implementing sanctions (A/52/33, paras. 29-38) and on basic principles and criteria for the work of the United Nations peacekeeping missions (A/52/33, paras. 39-58) also entailed some duplication, he saw merit in considering them further. The working paper on sanctions should be considered in the light of the conclusions reached by the Sub-group of the Informal Open-ended Working Group of the General Assembly on an Agenda for Peace.

29. With regard to the peaceful settlement of disputes, the discussion in the Special Committee of the revised proposal by Sierra Leone (A/52/33, chap. IV) revealed the growing interest in the idea of establishing a permanent dispute settlement service. The Special Committee should continue its discussion of that question, possibly on the basis of a new and more specific proposal for the establishment of such a service.

30. While the proposals by Guatemala and Costa Rica concerning possible amendments to the Statute of the International Court of Justice to extend its competence (A/52/33, chap. IV) had generated a stimulating debate, questions had been raised as to the usefulness and practicality of the proposals, especially with regard to the types of international organizations that would be authorized to appear before the Court and the implementation of decisions rendered by the Court on the basis of the proposed amendments.

31. On the question of the future role of the Trusteeship Council, he reaffirmed his support for the Maltese proposal to strengthen the mandate of the Council and entrust it with the function of coordinator for the common heritage of mankind.

32. He also supported the Mexican proposal to initiate a review of practical ways and means to strengthen the International Court of Justice (A/52/33, paras. 123-130). It would be useful to request comments from States and from the Court itself on the impact that the increase in the Court's workload had had on the Court's operation. Mechanisms should be identified for streamlining the Court's procedures and contributing to its effectiveness without affecting its authority and independence. He shared the understanding, expressed in paragraph 130 of document A/52/33, that the recommendation would have no implications for any changes in the Charter of the United Nations or the Statute of the Court.

Agenda item 146: United Nations Decade of International Law

(a) United Nations Decade of International Law (A/52/363)

(b) Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law (A/C.6/52/3 and A/C.6/52/L.2)

(c) Draft guiding principles for international negotiations (A/52/141)

33. Mr. Saguier Caballero (Paraguay), speaking on behalf of the Rio Group, said that, as the end of the United Nations Decade of International Law approached, it would be useful to reflect on the extent to which its objectives had been accomplished. He therefore invited the Secretary-General to include in future reports on the agenda item elements that would make it possible to evaluate the impact that the Decade had had on the strengthening of international law.

34. He noted with interest the suggestion made by the Secretary-General in paragraph 3 of document A/52/363 that Member States should consider whether it would be timely for the United Nations to deposit an act of formal confirmation of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, and concurred with the Secretary-General's view that such confirmation would promote the entry into force of the Convention.

35. He looked forward to the Colloquium to be held on 28 and 29 October 1997 to mark the fiftieth anniversary of the International Law Commission, and trusted that both the Colloquium and the seminar to be held in Geneva on 22 and 23 April 1998 would highlight the importance of the codification and progressive development of international law and strengthen the Commission's capabilities in that area.

36. He welcomed the addition of a sub-site on United Nations activities in the field of international law to the Organization's home page on the Internet and urged the Secretariat to continue to expand the database. If such information could also be made available in official languages other than English, that would facilitate a more widespread understanding of international law. The Rio Group was also awaiting with interest the translation of the Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice 1992-1996 into all the official languages of the Organization.

37. While supporting the conclusion outlined in paragraph 56 of document A/52/363 that it would be necessary to charge a fee to users of the on-line versions of Multilateral Treaties Deposited with the Secretary-General and of the United

Nations Treaty Series in order to cover the costs of maintaining the service, he emphasized that access to the Treaty Collection by United Nations Member States and bodies and other international organizations should not be subject to a fee.

38. Referring to section VI of the document, which dealt with translation of the list of titles of treaties appearing in the publication Multilateral Treaties Deposited with the Secretary-General into the other official languages of the United Nations and their dissemination through the Internet, he said that, in view of the difficulties described therein, the Secretariat should concentrate for the time being on the translation of the list of titles, leaving their dissemination to a later stage. A translation of the titles alone would enable States to standardize their terminology and would facilitate communication.

39. Lastly, he was concerned at the substantial reductions in the proposed programme budget for the biennium 1998-1999 for activities to encourage the teaching, study, dissemination and wider appreciation of international law. He reaffirmed the importance which the Rio Group attached to such endeavours and stressed that savings should not be realized at the expense of mandated programmes and activities.

40. Mr. Verweij (Netherlands), speaking on behalf of the European Union, and the associate countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and in addition Iceland and Norway, said that, as the United Nations Decade of International Law drew to an end, it was appropriate to reflect on its progress and its impact. The European Union believed that the implementation of the Decade activities had furthered the aspirations expressed in General Assembly resolution 44/23. One of the main objectives had been to introduce the themes of international law to a wider public and many highly respected lawyers, professors, diplomats and officials of international organizations had played a role in fulfilling that objective.

41. He wished to draw attention to certain aspects of the note by the Secretary-General (A/52/363). The Secretary-General's remark on the Convention on the Law of Treaties between States and International Organizations or between International Organizations merited attention. None of the signatory organizations had deposited an act of formal confirmation of the Convention by 21 August 1997. The European Union took note of the Secretary-General's view that it was appropriate to take concrete steps before the end of the Decade towards acceptance and early entry into force of the Convention. It also took note of the many international, national and regional initiatives in encouraging the teaching, study, dissemination and wider appreciation of international law. The sub-site that had been added to the Internet home page of the United Nations was a modern and indispensable element for the dissemination of international law. The Web site should be broadened and continuously updated. The European Union also endorsed the Secretary-General's efforts to publish a collection of some 30 essays by practitioners in the field of international law. The annual courses held at the Hague Academy of International Law were valuable, too, attracting participants from all over the world. The European Union noted the work of the Committee of Legal Advisers on Public International Law of the Council of Europe, outlined in paragraph 25 of the note. The Court of Justice of the European Communities also continued to make a valuable contribution to the dissemination of international law by systematically publishing its case law in the 11 official languages of the Communities. It was admirable that the United Nations Secretariat was setting up an audio-visual library on international law; the European Union would follow the progress of that project closely.

42. The European Union was pleased with the Secretary-General's arrangements for the Colloquium discussed in paragraphs 5 to 10 of the note. It was to be hoped that the Colloquium would result in a set of practical suggestions to increase the contribution of the International Law Commission and the Sixth Committee to the making of international law. Publication of the proceedings should certainly contribute to the promotion and understanding of international law and international relations. Similarly to be welcomed was the seminar mentioned in paragraph 11.

43. Following the adoption of General Assembly resolution 51/158, entitled "Electronic treaty database", the Secretary-General had dedicated a fair part of his note to the evaluation of the economic and practical feasibility of providing Internet access to the United Nations Treaty Collection without charging a user fee. The European Union supported such efforts to enhance the dissemination of the Treaty Collection by modern, easily accessible means and looked forward to further developments. Further study of the question of charging a user fee should be conducted with the involvement of the Fifth Committee. As to the translation of the list of titles of treaties appearing in the publication Multilateral Treaties Deposited with the Secretary-General, it was essential to have the necessary data and an assessment of the costs involved before future action could be decided.

44. Progress had been made in the Preparatory Committee on the Establishment of an International Criminal Court. The European Union was taking an active part in the work of the Preparatory Committee, in order to ensure an early and

successful outcome; there was little time left to conclude the preparatory work. The European Union called on all States Members of the United Nations to continue to demonstrate the spirit of cooperation that had prevailed during previous meetings, so that the statute for the international criminal court could be adopted in 1998.

45. With regard to the draft guiding principles for international negotiations, the European Union considered that it should give more study and consideration to a draft of that magnitude before it could be specific on the contents. In the Union's consideration of the text it would be guided by the relevant declarations and principles of international law.

46. Lastly, in relation to action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law, the Netherlands and the Russian Federation had, together with a group of interested Member States, worked out a programme of action, in accordance with General Assembly resolution 51/159, the contents of which could be found in document A/C.6/52/3. The Netherlands and the Russian Federation had also submitted a draft resolution on the subject (A/C.6/52/L.2). The European Union was pleased that the two host countries had planned fitting commemorative events, to be held in The Hague and St. Petersburg, at no cost to the United Nations.

47. Mr. Qin Huasun (China) noted with satisfaction the efforts and achievements made by the United Nations in furthering the objectives of the Decade, as described in document A/52/363.

48. Over the past 20 years, as a result of reforms and greater openness, his country had advanced significantly in the political, economic, social and cultural fields, and exchanges and cooperation between it and the rest of the world had expanded on a large scale. China's legal framework was gradually being consolidated and the rule of law was being established rapidly. The Chinese people were becoming increasingly aware of and knowledgeable about law, including international law. Accordingly, the main objectives of the Decade were being implemented at the national level.

49. The Chinese Government and people had made progress in promoting respect for and acceptance of the principles of international law; in a climate of reform and opening up to the outside world, China was enjoying social stability and economic growth and could therefore offer a better guarantee of improving human rights. He announced that China would sign the International Covenant on Economic, Social and Cultural Rights and was carefully studying the International Covenant on Civil and Political Rights: the principle of the universality of human rights would receive increasingly widespread respect.

50. Under agenda item 145, "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law", his delegation would give a detailed presentation on China's efforts and achievements.

51. President Jiang Zemin had made a personal contribution to promoting appreciation of and respect for international law: in December 1996, the President, together with other leaders of the State and Communist Party, had attended a special lecture on the subject, after which the President had made a statement calling on government leaders at all levels to study international law. Both the lecture and the President's statement had been reported by the leading Chinese media, providing considerable impetus to the study and appreciation of international law among leaders at all levels and among the general public too.

52. The representatives of a number of countries and international organizations, known as the "Friends of 1999", had put forward some innovative and substantial preliminary proposals and had begun making arrangements to celebrate the centennial of the first International Peace Conference in The Hague. The first Conference had started the process of development of mechanisms for the peaceful settlement of international disputes and laid the groundwork for the rules of war and also international humanitarian law, but 1999 would be worth commemorating also as the fiftieth anniversary of the four Geneva Conventions and the end of the United Nations Decade of International Law. The Governments of the Russian Federation and the Netherlands had already made great efforts in respect of the commemoration, and with concerted efforts by States and international organizations he believed that the close of the Decade and the convening of the third International Peace Conference would be historic milestones in the development of international law.

53. China had long looked positively on Decade activities, having hosted several seminars and participated in a number of other activities, and would work closely with others towards a successful conclusion of the Decade.

54. Mr. Stefanek (Slovakia) pointed out that the United Nations Decade of International Law had been declared in General Assembly resolution 44/23 of 17 November 1989, which by a coincidence was the very day a process of significant political change, the "velvet revolution", had begun in Slovakia, leading to the establishment of a new, democratic regime. That change had enabled Slovakia to play an active part in implementing the Decade's programme of

activities from the outset, as shown by the withdrawal in 1990 and 1991 by the former Czech and Slovak Federal Republic of its reservations to the clauses providing for International Court of Justice jurisdiction in 25 international conventions.

55. Since the dissolution on 1 January 1993 of the former Czech and Slovak Federal Republic, an independent Slovakia had continued developing its predecessor's legal tradition. In a letter dated 29 May 1993 addressed to the Secretary-General, the Government of the Slovak Republic had given notification of its succession to all the multilateral treaties to which its predecessor had been a party, and more recently had signed, ratified or acceded to a number of international conventions, including the Vienna Convention on Succession of States in respect of Treaties, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, the Convention on the Safety of United Nations and Associated Personnel, the United Nations Convention on the Law of the Sea, together with the Agreement relating to the Implementation of Part XI of the Convention on the Law of the Sea, and the Comprehensive Nuclear-Test-Ban Treaty. Also, Slovakia had played an active role in the preparation and adoption of the framework convention by the Working Group of the Whole on the Elaboration of a Framework Convention on the Law of the Non-Navigational Uses of International Watercourses, was actively considering signing and ratifying it in the future, and supported the work done by the Preparatory Committee on the Establishment of an International Criminal Court.

56. Under the programme of activities for the Decade, States were invited to study ways and means of settling disputes peacefully, including having recourse to the International Court of Justice and implementing its Judgments. In that connection, Slovakia and Hungary, pursuant to paragraph 1 of Article 40 of the Statute of the Court, had by notification of a Special Agreement submitted to the Court their dispute over the Gačikovo-Nagymaros Project for a barrage system, a joint venture based on a 1977 treaty between Hungary and the former Czechoslovakia. The dispute had arisen after 1989 and bilateral negotiations had not led to a satisfactory outcome for either party, and its subsequent referral to the Court had been the first time two Eastern European countries had jointly submitted a case to it; judgement had been rendered on 25 September 1997, which judgment Slovakia welcomed, and negotiations were about to start pursuant to article 5 of the Special Agreement, on implementation of the Judgment.

57. His country's emphasis on the teaching, study, dissemination and wider appreciation of international law, and particularly on educating a new generation of lawyers, was evident in the establishment of a new faculty of law at Matej Bel University specializing in international law teaching, in its participation in student exchange programmes and in its training of international law teachers.

58. His delegation welcomed the programme of action presented by the Russian Federation and the Netherlands for the 1999 centennial of the First International Peace Conference in The Hague, which should commemorate also the fiftieth anniversary of the four Geneva Conventions and the close of the United Nations Decade of International Law. However, the programme should not be just commemorative, it should also give new impetus for further strengthening the rule of law among nations.

59. Mr. Legal (France) said that the United Nations Decade of International Law had been rather dynamic in terms of developments in international law, even if discussions of the item within the Sixth Committee had not always been as lively.

60. France strongly supported converting the commemoration of the 1899 Hague Conference into a Third International Peace Conference, on the understanding that it would work not on new international law projects but on taking stock of the existing instruments, which remained as relevant as ever. He understood that the delegations of the Russian Federation and the Netherlands planned just such an approach, and commended them on their work.

61. The question of how to pay for the services of disseminating treaty information over the Internet covered in sections V and VI of the note by the Secretary-General (A/52/363) would be more appropriately dealt with by the Fifth Committee. His delegation favoured transparency and the Sixth Committee should therefore be kept informed of such matters, but as when the Legal Counsel explained the financial difficulties he faced in implementing programmes, it was for the Secretary-General, monitored by the General Assembly, through the Fifth Committee, to decide what was best when difficult financial choices had to be made.

62. The Chairman explained that he intended to send a letter to the Chairman of the Fifth Committee with a request for the Fifth Committee to study sections V and VI of the note by the Secretary-General: the secretariats of the Fifth and Sixth Committees were already discussing the commemoration activities for the close of the Decade.

63. Mr. Enkhsaikhan (Mongolia) introduced item 146 (c), "Draft guiding principles for international negotiations", which had been included in the agenda of the General Assembly at its fifty-second session on the initiative of the

Mongolian Government. He drew attention to the explanatory memorandum annexed to document A/52/141.

64. International negotiations were central to bilateral and multilateral cooperation between States, to the management of international relations, the peaceful settlement of disputes and the creation of new international norms of conduct, yet the conduct of negotiations was the one type of diplomatic activity that had not been touched by regulation, codification and harmonization.

65. It was understood that, legally speaking, international negotiations were conducted under contemporary international law, but there was a lack of clearly agreed general rules on how such negotiations should be conducted. That lack left the door open to different interpretations even of such generally recognized principles as the sovereign equality of States, non-discrimination, non-interference, negotiation in good faith, cooperation between States and the non-use of force, and experience showed how changing the agreed or implied rules of negotiation or backtracking on previous agreements complicated subsequent negotiations.

66. To succeed, negotiations had to be held in an atmosphere of cooperation and good will, without attempts to gain unilateral advantage, raise irrelevant preconditions or create obstacles. The new climate of broadening and deepening international cooperation, both bilateral and multilateral, was the antithesis of the cold-war, zero-sum-game mentality, which, driven by the realities of an increasingly interdependent world, was giving way to more positive and constructive trends and attitudes. And rejection of the threat or use of force implied more cooperation and therefore more negotiation.

67. Democratization of international relations could not be limited to allowing States to voice views and grievances: if the new international order was to be just, democratic and based on respect for the sovereign equality of all States, it should ensure equal and fuller participation by States in making decisions that affected them.

68. His Government believed that it was therefore necessary for the international community to identify and elaborate guiding principles and a code of conduct for States engaged in international negotiations, in the form of an international instrument setting out generally accepted rules in full conformity with the principles and norms of international law. Such an instrument would promote justice and fairness in negotiations, which could currently fall victim to power politics.

69. It was not realistic to expect that identifying and defining principles would of itself create the political will needed for negotiations to succeed. However, such principles would serve not only as guidelines, but as criteria against which the conduct of negotiating States could be judged. Setting minimum standards might induce States to act in accordance with them and at the same time give them leverage to make others do so too. The behaviour of negotiating parties would then become more predictable, so reducing uncertainty and promoting an atmosphere of mutual trust, thereby enhancing the effectiveness of negotiations and serving the interest of all States, large and small.

70. In submitting the draft resolution annexed to document A/52/141, his delegation had taken into account the objectives of the Decade of International Law, which it supported, to strengthen international law and promote the fair regulation or management of international relations. The draft guiding principles therefore complemented the objectives of the Decade, and adopting them would be an important contribution by the Committee to the Decade and a fitting way to mark its close. Article 13, paragraph 1 (a), of the Charter obliged the General Assembly to promote international cooperation in the political field and encourage the progressive development of international law and its codification, and it was to those ends that the draft resolution had been submitted.

71. As the issues involved were complex, considering and finalizing them would take time, and he urged representatives not to lose sight of the honest intentions behind the draft guiding principles, or of their ultimate aim, by introducing highly politicized or controversial issues into the discussion.

72. In the light of consultations between his own and other delegations, the issue should not be referred to the already burdened International Law Commission. The guiding principles could not be seen as purely legal matters because they would be applied in the specific political contexts of negotiations, which would differ from negotiation to negotiation. Instead, he proposed that substantive consideration of the draft guiding principles should be carried out within the Working Group on the United Nations Decade of International Law.

The meeting rose at 5.10 p.m.